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C O N F I D E N T I A L ZAGREB 001297

SIPDIS

STATE FOR EUR/SCE AND S/WCI
THE HAGUE FOR JOHNSON/KAYE/WHEATON

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TAGS: [PREL](#) [PGOV](#) [KAWC](#) [HR](#) [ICTY](#) [UN](#)
SUBJECT: ICTY/CROATIA: GOC AGAIN BACKSLIDING ON COOPERATION?
REF: A. ZAGREB 1165 (NOTAL)

- [B](#). ZAGREB 925
- [C](#). ZAGREB 867

Classified By: Poloff Rob Silberstein, REASON 1.5 (B) AND (D)

Summary

- [1](#). (C) ICTY Zagreb ResRep Thomas Osorio told us June 5 that the GOC is failing to deliver on a number of commitments PM Racan gave Chief Prosecutor del Ponte during her mid-April visit to Zagreb. Census information was incomplete, assistance to gain access to bank records on GOC financial support to breakaway Croats in Bosnia has not been forthcoming and the OTP still is in the dark regarding the circumstances surrounding the arrest of ICTY fugitive PIFWC Ivica Rajic in Split. Osorio told us not to expect any new Croatia indictments soon; del Ponte has decided to hold off until she has accumulated a package of 3-5 indictments that she can deliver to the GOC at one time. GOC backsliding on its ICTY obligations is no surprise, but it did not help that del Ponte took the pressure off by waxing so strongly about "improved" GOC cooperation during her visit in April. End Summary.
- [2](#). (C) In a meeting June 5, ICTY Zagreb ResRep Thomas Osorio told us that, although there was a surge in cooperation immediately after the visit of OTP Chief Prosecutor del Ponte to Zagreb in mid-April, since then the GOC has failed to follow through on many of its commitments. Of greatest concern to the OTP is the GOC's failure to provide useable census data, one of the major points of discussion between PM Racan and del Ponte in April (ref c). (Inter alia, the OTP requires these data to demonstrate Serbian ethnic cleansing in Croatia in the Milosevic trial.) During the del Ponte visit, Racan reportedly instructed the GOC to comply with the OTP's requests, over the objections of Deputy Prime Minister Goran Granic. Shortly thereafter, the GOC provided the OTP with what it asserted was a complete package of data on the 2001 census.
- [3](#). (C) Osorio told us that, after careful analysis of the data, the OTP determined that it was inadequate. Not only were vital information elements of the census database withheld, approximately 340,000 census records were excluded completely. On May 29, Deputy Prosecutor Blewitt (del Ponte was in Rwanda) wrote a strongly worded letter to PM Racan stating that the GOC's failure to provide the census data was a clear failure in cooperation. Blewitt requested immediate intervention to provide the requested data.
- [4](#). (C) According to Osorio, the GOC also has failed to meet other commitments it made to del Ponte in April:
 - The GOC has yet to provide the promised assistance to secure access to Privredna Banka records detailing Croatian financial transfers to the para-state of Herceg-Bosna during the war.
 - It has failed to certify that the 1000 pages of documents from former Defense Minister Susak's personal files that the GOC provided in early May represented the entire collection. Osorio told us that there is reason to believe that the GOC submission is incomplete. OTP analysis of the Susak papers suggests the existence of more documents. Additionally, the number of pages that the GOC declared to the OTP varied from 1000 to over 1300. (Head of the GOC Office for Cooperation with ICTY, Frane Krnic, told the Ambassador in March that there were 1156 pages in the Susak collection.)
 - It has not provided the OTP with any information on the arrest of ICTY PIFWC Ivica Rajic and on the investigation into the illegal PIFWC protection network that the HDZ government established (ref b), even though Racan explicitly promised del Ponte that this information would be forthcoming.
- [5](#). (C) Osorio said that the only silver lining in ICTY's relationship with Croatia is the excellent cooperation provided by Croatian Chief Prosecutor Mladen Bajic. The OTP recently handed over to Bajic 11 boxes of physical evidence that the ICTY collected in the Paulin Dvor war crimes case

that Bajic is pursuing. (The Osijek court is about to begin the trial of two retired Croatian Army officials for their

role in the murder of 18 ethnic Serbs and one ethnic-Hungarian in the town of Paulin Dvor in Eastern Slavonia. Slavko Zadnik, one of Bajic's deputies, tells us that another six persons may be indicted for the crime. Others, including former HDZ intelligence and government officials may be indicted for covering-up the crime.)

No new indictments soon

16. (C) Osorio said that del Ponte did not sign and forward any new indictments to the ICTY judge for approval prior to her departure on a three week trip to Rwanda in late May. According to Osorio, del Ponte has decided to wait until all Croatia indictments are ready. Her plan is to deliver a package of 3-5 indictments at one time to "minimize the political shock on the GOC" (for more detail on the potential new indictments see ref a). Osorio said that the net result is that we should not anticipate any new Croatian indictments any time soon.

Comment

17. (C) No surprises here: the brief GOC-OTP honeymoon after del Ponte's mid-April visit to Zagreb is over. The Croatian Government has returned to its disappointing but familiar routine of shirking cooperation once the pressure is off. While the GOC clearly deserves the lion's share of the blame for not delivering fully and consistently on its ICTY commitments, del Ponte also bears some responsibility for her rollercoaster public relations approach. In April, del Ponte was all sweetness and light, announcing that "a very positive development of cooperation had been achieved." Less than two months later the OTP is again complaining that the GOC has failed to live up to its commitments. Under such circumstances it would not be surprising if the press -- and even some of her IC supporters -- might begin to question del Ponte's credibility.

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